

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 IRIS CONTRERAS, an individual; WALTER
5 MOISES DELEON, an individual; and WALTER
6 ORLANDO DELEON, an individual,

7 Plaintiffs,

8 vs.

9 AMERICAN FAMILY MUTUAL INSURANCE
10 COMPANY; DOES I through X, inclusive; and
11 ROE CORPORATIONS I through X, inclusive,

12 Defendants.

2:12-cv-00249-RFB-VCF

11 AMERICAN FAMILY MUTUAL INSURANCE
12 COMPANY,

13 Third-Party Plaintiff,

14 vs.

15 COPART, INC.,

16 Third-Party Defendant,

ORDER

17 Before the court is the Motion for an Extension of Time for the Parties to File a Joint Pretrial Order
18 with the Court and to Schedule Settlement Conference (docketed as #87 and #89).

19 To date, no opposition has been filed. Under Local Rule 7-2(d), the failure of an opposing party
20 to file points and authorities in response to any motion shall constitute a consent to the granting of the
21 motion. Here, it would seem that the opposing parties have consented to the granting of the instant motion.

22 Accordingly,

23 IT IS HEREBY ORDERED that the Motion for an Extension of Time for the Parties to File a Joint
24 Pretrial Order with the Court and to Schedule Settlement Conference (#87 and #89) is GRANTED.

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1 IT IS FURTHER ORDERED that the October 29, 2015 deadline to file the Joint Pretrial Order is
2 vacated pending the outcome of the settlement conference.

3 IT IS FURTHER ORDERED that a settlement conference is hereby scheduled to commence at
4 **10:00 a.m., January 21, 2016**, in the chambers of Cam Ferenbach, United States Magistrate Judge,
5 located on the third floor at the Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard
6 South, Ste. 3005, Las Vegas, Nevada.

7 All **principal counsel of record who will be participating in the trial** and who have full authority
8 to settle this case, all parties appearing pro se, if any, and **all individual parties must be present**. In the
9 case of non-individual parties, counsel of record shall arrange for an officer or representative with binding
10 authority to settle this matter up to the full amount of the claim or most recent demand to be present for
11 the duration of the conference.

12 If any party is subject to coverage by an insurance carrier, then a representative of the insurance
13 carrier with **authority to settle this matter up to the full amount of the claim** or most recent demand must
14 also be present for the duration of the settlement conference. This representative must be the adjuster
15 primarily responsible for the claim or an officer with supervisory authority over that adjuster. Third party
16 administrators do not qualify.

17 A request for an exception to the above attendance requirements must be filed and served at **least**
18 **three weeks prior** to the settlement conference. Counsel of record, individual parties, and a fully
19 authorized representative shall appear in person unless the court enters an order granting a request for
20 exception.

21 **PREPARATION FOR SETTLEMENT CONFERENCE**

22 In preparation for the settlement conference, the attorneys for each party shall submit a
23 confidential settlement conference statement for the Court's in camera review. The settlement conference
24 statement shall contain the following:
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1 1. Identify, by name or status the person(s) with decision-making authority, who, in
2 addition to counsel, will attend the settlement conference as representative(s) of the party, and persons
3 connected with a party opponent (including an insurer representative) whose presence might substantially
4 improve the utility of the settlement conference or the prospects of settlement;

5 2. A brief statement of the nature of the action.

6 3. A concise summary of the evidence that supports your theory of the case, including
7 information which documents your damages claims. Please attach to your statement any documents or
8 exhibits which are relevant to key factual or legal issues, including selected pages from deposition
9 transcripts or responses to other discovery requests.

10 4. An analysis of the key issues involved in the litigation.

11 5. A discussion of the strongest points in your case, both legal and factual, and a frank
12 discussion of the weakest points as well. The Court expects you to present a candid evaluation of the
13 merits of your case.

14 6. A further discussion of the strongest and the weakest points in your opponent's
15 case, but only to the extent that they are more than simply the converse of the weakest and the strongest
16 points in your case.

17 7. The history of settlement discussion, if any, which details the demands and offers
18 which have been made, and the reasons they have been rejected.

19 8. The settlement proposal that you believe would be fair.

20 9. The settlement proposal that you would honestly be willing to make in order to
21 conclude this matter and stop the expense of litigation.

22 The settlement conference statements shall be received in my chambers (U.S. Magistrate Judge
23 Cam Ferenbach, located on the third floor at 333 Las Vegas Boulevard South, Ste. 3005, Las Vegas,
24 Nevada) - not later than **12:00 p.m., January 14, 2016. DO NOT SERVE A COPY ON OPPOSING**
25 **COUNSEL. DO NOT DELIVER OR MAIL COPIES TO THE CLERK'S OFFICE.**

1 The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for and
2 conducting the settlement conference. In order to facilitate a meaningful conference, your utmost candor
3 in responding to all of the above-listed questions is required. **The settlement statement will be seen by**
4 **no one except the undersigned.** If this case does not settle, the settlement conference statement will not
5 be disclosed to the judge who ultimately presides over the trial. Each statement will be securely
6 maintained in my chambers, and will be destroyed following the conference.

7 IT IS SO ORDERED.

8 DATED this 22nd day of October, 2015.

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12 CAM FERENBACH
13 UNITED STATES MAGISTRATE JUDGE
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